

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims, as amended, are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of February 12, 2009 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1, 4-6, 8, 10-14, 16-18 and 20 remain in the application. Claims 1, 14 and 20 have been amended. Basis for the amendments can be found throughout the application as filed, at least on page 7, from line 17 to line 29; on page 8, from line 12 to line 22; and on page 12, from line 1 to line 24. Reconsideration of the claims is respectfully requested.

Claims 1, 4-6, 11, and 13 stand rejected under 35 U.S.C. § 101. The Examiner alleges that the rejected claims do not meet one of the requirements for a method/process claim, which must: (1) be tied to another statutory class of invention (such as a particular apparatus); or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Specifically the Examiner points out that there is no specific recitation in the claims that the steps are taking place by using a computer.

While the Applicants do not acquiesce to the Examiner's rejection under § 101, in order to expedite prosecution Applicants have amended claim 1 herein. As amended, claim 1 states clearly that the method is a method for managing subscriber vehicle data in a vehicle data management system in a computer. Furthermore, the steps indicate a direct connection with the vehicle data management system in the computer as well. Amended claim 1 clearly satisfies the necessary requirements of § 101 set out above. Applicants therefore submit that the § 101 rejection should be withdrawn.

Claims 1, 4-6, 8, 10-14, 16-18, and 20 stand rejected under 102(a) as being anticipated by Treyz et al. (U.S. Patent No. 6,526,335 hereinafter Treyz).

As amended, Applicants' invention as recited in claim 1 and in the other independent claims relates to a method for managing subscriber vehicle data in a vehicle data management system in a computer, a computer readable medium storing a computer program, and a vehicle data management system, respectively. Each independent claim reciting in some form: securing access to data in the vehicle data management system in the computer according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses; receiving a client data request from a client via a requesting device; determining a client identity in the vehicle data management system in the computer based on the client data request; and providing targeted vehicle data from the vehicle data management system in the computer to the client responsive to the data request, the client's individual client status in the status based hierarchy determining which of the vehicle data is accessed to provide the client's targeted vehicle data.

Treyz discloses an automobile personal computer system. The user of the system, while he/she is driving in the car, is able to wirelessly obtain information from and interact with merchants, communications facilities, information providers, computers at home or at the office, and other entities. Treyz's personal computer in the automobile provides to the automobile user the same kind of information that would be obtainable in a computer system at home or in an office.

In order to allege that Treyz discloses a method for managing subscriber vehicle data in a system based on a status based hierarchy, the Examiner states that Treyz discloses subscription service customers and fleet managers. However, in mentioning such customers/managers, Treyz does not teach or suggest that they are part of a status based hierarchy which dictates which targeted vehicle data is accessible to a client of a vehicle data management system who makes a data request. For example, column 66, lines 21-47, of Treyz mentions subscription service customers. However, this mention is with regard to the possibility of subsidizing the user's subscription cost if the user receives advertising with his Internet content on the automobile computer. Unlike the Applicants' invention as defined in the currently pending claims (which categorizes a subscription service customer as belonging to a particular status in a hierarchy in

order to determine which data is accessed from all the vehicle data available on the system), the subscription customer's status in Treyz does not affect the content he receives except to add advertising and decrease the cost.

Treyz also mentions subscription service customers in column 80, lines 57-64 and column 81, lines 15-31. In the first instance, a subscription service customer is being monitored for his interaction with an MP3 preview clip, i.e., whether or not he downloads it. From this, the seller of a particular CD can determine whether or not to give the user the opportunity to buy the CD originally previewed on the MP3. Again the status of the subscription service customer is not contemplated and does not affect the content the user receives. Rather, a user is offered different services after the customer's reaction to a particular product has been monitored. In the second instance, a subscription service customer's response and interaction with audio broadcast materials is monitored and gathered to determine rates to charge advertisers on the Internet. Again, this monitoring does not affect the substantive content that is accessible to the customer based on a hierarchy scheme; rather the customer's responses to advertising are used to adjust rates charged to advertisers.

Treyz also mentions fleet managers in column 35, lines 54-60 and column 37, lines 49-54. Particularly, Treyz's system provides fleet managers an opportunity to monitor the driving behavior of truck drivers in their fleets. Treyz is not teaching or suggesting that a fleet manager's status is the basis for determining which data from a vehicle data system the fleet manager receives.

The teachings associated with Figure 33 of Treyz are equally unrelated to the Applicants' invention as defined in the pending claims. This figure shows three steps relating to providing a user of Treyz's automobile internet system, such as a fleet manager, the opportunity to monitor how a particular car is being driven. This is clearly not a status-based determination of how access to a vehicle data management system is given. Rather, it illustrates a possible use of Treyz's system by a user.

With regard to the aspect of "the client identity including a position of the client in the status based hierarchy and a class of a requesting device", the Examiner points to at least the same portions of Treyz referred to above with regard to "subscription service customers" and "fleet managers". With regard to column 35, lines 54-60; column 37, lines 49-54; column 66,

lines 21-47; column 80, lines 57-64; and column 81, lines 15-31, of Treyz, the Applicants reiterate the arguments outlined hereinabove. Again, it is submitted that Treyz does not teach or suggest providing targeted vehicle data, the content of which is determined based on a client's individual client status in the status based hierarchy. In contrast, these segments from Treyz relate to monitoring the user's use of the database to obtain either commercial or safety-related information. The instant §102(a) rejection of the current claims cannot be based on such clearly contrasting and distinguishable teachings, which do not include a status based hierarchy.

With regard to the recitation, "the client identity including a position of the client in the status based hierarchy and a class of a requesting device," the Examiner further cites column 43, lines 33-59 and column 48, lines 43-60 of Treyz. The portion in column 43, lines 33-59 deals with verifying the user's identity with a password in order to limit the use of remote control functions in the car, such as remotely controlling the trunk, wipers, windows, heater, etc. that can be accessed by the automobile computer. Using a password to limit the use of certain computer functions to particular users is certainly not new. Furthermore, as previously stated, Treyz does not teach or suggest here or elsewhere the security access aspects of Applicants' claims which relate to the client's individual client status in the status based hierarchy, and the use of this status to determine which of the vehicle data is accessed to provide the client's targeted vehicle data.

Finally, column 48, lines 43-60 of Treyz relates to another way of limiting access of a user of the automobile computer, specifically using a wireless link on the computer to interact with an entrance gate of a parking garage. As in the paragraph above, it is submitted that Treyz is disclosing how to limit the opening of such an entrance gate to those who were authorized by the computer. Treyz is not teaching or suggesting that the client's individual client status in a status based hierarchy is used to determine which vehicle data is accessed to provide the client's targeted vehicle data. Rather, it discloses the use of an automobile computer system to wirelessly authorize the opening of a parking lot gate.

In the currently pending independent claims, the determination of the content of a response to a request is based on whether or not the user is a subscription service customer, campaign manager, engineer, data analyst, call center advisor, portal administrator or fleet manager. They all can access the vehicle data management system, but a response to their

request for information, i.e., the vehicle data they are allowed to access, is conditioned on their specific status. As such, the invention as defined in the pending claims provides an efficient way for the same vehicle data management system to be used by users having different needs and conditions. It does this by establishing a status based hierarchy tailored to the status of the user. No such method is taught or suggested by Treyz. In light of the above amendments and arguments, Applicants respectfully request that the §102(a) rejection of the claims based on Treyz be withdrawn.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 1, 14 and 20, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious, and patentably defines over the art of record.

In summary, claims 1, 4-6, 8, 10-14, 16-18 and 20 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: April 7, 2009
JCD/WBH/JRK/slc